

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CURTIS M. JOHN-CHARLES,

Petitioner,

No. CIV S-05-0175 MCE GGH P

vs.

STATE OF CALIFORNIA, et al.,

Respondents.

ORDER

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Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On October 26, 2006, petitioner filed a “motion/petition to amend/consolidate.” On November 9, 2006, the court construed this document as an amended petition and ordered respondent to file a response. On February 20, 2007, respondent filed an answer to the petition.

Petitioner’s October 26, 2006, amended petition raised two claims regarding the legality of his juvenile conviction used to enhance the sentence of the conviction he is challenging in the instant action. On March 26, 2007, petitioner filed a “motion to consolidate cases” and a reply to respondent’s answer. In this pleading, petitioner requests permission to amend his amended petition to include three new claims: 1) the trial court erred when it refused to allow him to withdraw his Faretta waiver; 2) insufficient evidence; and 3) jury instruction

1 error. On June 7, 2007, petitioner filed another pleading requesting permission to amend the
2 amended petition to include more claims. The only specific claim mentioned in this petition is
3 juror misconduct. However, petitioner appears to be requesting to amend the amended petition
4 to include all claims in every petition, writ, etc. he ever filed in state court challenging the at-
5 issue conviction.

6 Petitioner's March 26, 2007, motion to consolidate and his June 7, 2007, request
7 to amend are denied. Petitioner is granted thirty days from the date of this order to file a
8 supplemental petition raising *all* claims he wishes to raise in this action which were not raised in
9 the amended petition filed October 26, 2006. Petitioner must clearly identify each claim he
10 wishes to raise and may not simply refer to "all claims previously raised." Petitioner will not be
11 given another opportunity to include additional claims.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. Petitioner's March 26, 2007, motion to amend is denied; petitioner's June 7,
14 2007, request for judicial notice and to amend is denied;

15 2. Petitioner is granted thirty days from the date of this order to file a
16 supplemental petition; respondent's response is due thirty days thereafter; petitioner may file a
17 reply within thirty days thereafter.

18 DATED: 10/18/07

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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